

### **REMARKS**

This responds to the Office Action mailed on June 6, 2005.

Claims 1, 8, 14, 17, 19, 20, 25, 26, and 27 are amended, and no claims are canceled or added; as a result, claims 1-28 are now pending in this application.

### **§103 Rejections of the Claims**

Response to rejection of claims 1-5, 7-14, 17, 19-22, 24, 27, and 28:

Claims 1-5, 7-14, 17, 19-22, 24, 27, and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Zdepski et al. (of record) in view of Lappington et al. (U.S. 5,734,413). Applicant has amended claims 1, 8, 14, 17, 19, 20, and 27, from which the remaining rejected claims depend, and respectfully traverses the rejection.

Zdepski et al. disclose a broadcast station 50 (Fig. 1), which receives a transmission from a remote network 10. The transmission includes a combined signal that includes a trigger and a television signal. A trigger extraction unit 56 extracts the trigger and provides the trigger to an interactive program source 58. The television signal is provided to an A-V compression unit 64. These constituent parts are independently processed.

Lappington et al. disclose an interactive television system where interactive information is inserted into the vertical blanking interval (VBI) of a standard television signal. (Abstract). Interactive information discussed in Lappington et al. includes messages, questions, and responses (col. 11, lines 25-26). Lappington states: "In order to provide efficient and reliable transmission on the VBI, interactive data can be . . . encrypted . . ." (col. 18, lines 17-19).

Applicants' claims 1-5, 7-14, 17, 19-22, 24, and 27 are distinguishable from that which is disclosed by the combination of Zdepski et al. and Lappington et al. in that Applicant's claims include at least the following distinguishing elements:

Claim 1, 19, 27:

. . . the encrypted interactive content code is encrypted in a manner to prevent ad skipping . . .

Claims 8, 14:

... the interactive content code is encrypted in a manner to prevent ad skipping;

Claim 17:

... the encrypted reference is encrypted in a manner to prevent ad skipping ...

Claim 20:

... the one or more encrypted interactive content codes are encrypted in a manner to prevent ad skipping ...

Nowhere in Zdepski et al. or Lappington et al. is it discussed that an interactive content code (or reference) are encrypted in a manner to prevent ad skipping. Accordingly, Zdepski et al. and Lappington et al. do not disclose the claimed combination, as is required to make out a *prima facie* case of obviousness. For this reason, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1-5, 7-14, 17, 19-22, 24, 27, and 28 under 35 USC § 103(a).

Response to rejection of claims 6, 15, 18, and 23:

Claims 6, 15, 18, and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Zdepski et al. and Lappington et al. in view of Blackketter et al. (of record). Applicants respectfully traverse the rejection.

Blackketter et al. disclose that a trigger, broadcast along with a television video, may include a Uniform Resource Identifier. (col. 8, lines 5-15 and col. 1, lines 18-30) Blackketter et al. further disclose sending redundant triggers. (col. 7, line 60 through col. 8, line 15).

Claims 6, 15, 18, and 23 depend, respectively, from claims 1, 14, 17, and 20. As described in the preceding section in response to the §103 rejection of claims 1-5, 7-14, 17, 19-22, 24, 27, and 28, Zdepski et al. and Lappington et al. do not disclose the combinations of Applicant's independent claims 1, 14, 17, and 20. Further, Blackketter et al., Zdepski et al., and Lappington et al. do not disclose the claimed combination, as is required to make out a *prima*

*facie* case of obviousness. For this reason, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 6, 15, 18, and 23 under 35 USC § 103(a).

Response to rejection of claim 16:

Claim 16 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Zdepski et al., Lappington et al. and Blackketter et al. as applied to claim 15, and further in view of Ciciora (of record). Applicants respectfully traverse the rejection.

Ciciora discloses various information that may be carried in the vertical blanking interval (Section 3.3.5).

Claim 16 depends from claim 14. As described in the preceding section in response to the §103 rejection of claims 1-5, 7-14, 17, 19-22, 24, 27, and 28, Zdepski et al. and Lappington et al. do not disclose the combination of Applicants' independent claim 14. Further, Ciciora, Zdepski et al., Lappington et al., and Blackketter et al. do not disclose the claimed combination, as is required to make out a *prima facie* case of obviousness. For this reason, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 16 under 35 USC § 103(a).

Response to rejection of claim 25:

Claim 25 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Zdepski et al. in view of Lappington et al. in view of Blackketter et al. and further in view of Ciciora. Applicants respectfully traverse the rejection.

Applicants' amended claim 25 includes at least the following distinguishing element:

. . . the plurality of encrypted interactive content codes is encrypted in a manner to prevent ad skipping . . .

Neither Zdepski et al., Lappington et al., Blackketter et al., Ciciora, nor their combination disclose the claimed combination, as is required to make out a *prima facie* case of obviousness. For this reason, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 25 under 35 USC § 103(a).

Response to rejection of claim 26:

Claim 26 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Zdepski et al. in view of Lappington et al. in view of Kaiser (of record) and further in view of Ciciora. Applicants respectfully traverse the rejection.

Kaiser et al. disclose embedding a trigger in the vertical blanking interval (col. 6, lines 65-67 and col. 7, lines 1-4).

Applicants' amended claim 26 includes at least the following distinguishing element:

... the encrypted interactive content code is encrypted in a manner to prevent ad skipping ...

Neither Zdepski et al., Lappington et al., Kaiser et al., Ciciora, nor their combination disclose the claimed combination, as is required to make out a *prima facie* case of obviousness. For this reason, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 26 under 35 USC § 103(a).

Support for Claim Amendments

Support for the amendments to the claims may be found in the originally filed application at least at page 26, line 21 through page 27, line 8. No new matter is introduced as a result of the amendments.

**CONCLUSION**

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney (480) 538-1735 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

ERIC E. DEL SESTO ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(480) 538-1735

Date 2 Aug. 2005

By



Sherry W. Schumm  
Reg. No. 39,422

**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 2 day of August, 2005.

KATE GANNON

Name



Signature